

**COUNTY OF SAN DIEGO, CALIFORNIA**  
**BOARD OF SUPERVISORS POLICY**

**Subject**

Compensation for Right-of-Way Donated Under Assessment  
District Procedures

**Policy  
Number**

F-15

**Page**

1 of 2

**Purpose**

To define a policy which will provide an equitable means of acquiring right-of-way necessary for special assessment district improvements.

**Background**

In the past, the costs incurred in obtaining rights-of-way acquired by purchase and/or eminent domain actions, were included in the total cost of an assessment for assessment districts. The situation occurred whereby most property owners dedicated the necessary rights-of-way and relocated minor improvements without remuneration. The property owners who elect not to dedicate are entitled to compensation under Article I, Section 14 of the State Constitution. Usually, this compensation is awarded by the courts in an eminent domain action. The total right-of-way costs, including the attendant legal costs, are then charged to the total project, with each property owner paying a prorata share as prescribed by assessment district procedures.

That policy had the effect of producing an imbalance in the participating costs that each property owner would bear. It is desirable to provide for assessment of the entire cost of private property required for project right-of-way and to achieve greater equity among the benefitted properties by applying appropriate credits for the value of right-of-way cooperatively provided without direct cash payment.

**Policy**

It is the policy of the Board of Supervisors that the procedure for computing the cost on an improvement financed through an assessment district shall be as follows:

1. Construction costs, acquisition costs, other incidental costs, and the fair value of the property donated for right-of-way shall be totaled.
2. The total shall be spread among all parcels within the assessment district on the basis of benefit.
3. Property owners who donate rights-of-way or other property shall be allowed a credit for the fair value of the property donated. The credit shall be subtracted from the cost proposed for assessment to that owner's property.
4. After the above steps have been taken, the total assessed to all parcels in the assessment district will equal the total of construction costs, acquisition costs, and other incidental costs actually paid out.

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2 of 2

Sunset Date

This policy will be reviewed for continuance by 12-31-09.

Board Action

5-26-69 (26)

11-10-69 (86)

3-1-88 (94)

6-15-93 (41)

5-15-96 (11)

06-18-03 (9)

Responsible Departments

1. Department of Public Works
2. Chief Financial Officer/Auditor and Controller